IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21732 of 2004

Between:

Rambharose Dass, Mahant
Sri Hanuman Templ Goods Shed, near Nampally Railway Station
Hyderabad.

..... PETITIONER

AND

1 The Regional Joint Commissioner of Endowments Multi Zone-III,

Hyderabad.
2 The Assistant Commissioner of Endowments Hyderabad, Talak Road,

Abids,Boggulakunta, Hyderabad.
3 Sri Pilli Guru Murthy S/o. Late Narsimhulu
Rohini Chambers, Tilak Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly a writ in the nature of writ of Mandamus declaring the action of the Regional joint Commissioner of Endowments, MZ-III in entertaining the R.P.No.1056 of 2004 as bad, illegal, arbitrary and one without jurisdiction.

Counsel for the Petitioner:MR.M.VIDYASAGAR

Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS

Counsel for Respondent No.3 : Sri B.V. Krishna Murthy

The Court at the stage of admission made the following ORDER:

Petitioner claims to be a Mahant of Sri Hanuman Temple at Goods Shed near Nampally Railway Station, Hyderabad. He challenges the jurisdiction of the first respondent in entertaining R.P.No.1056 of 2004 filed by the third respondent.

The third respondent filed the R.P. before the first respondent asserting his rights as member of Ram Bhakth Samajam vis-à-vis the temple. He also filed I.A.No.1371 of 2004 for interim orders to permit him and his associates to perform pujas and bhajans. Through order dated 17.11.2004, the first respondent allowed the I.A.

Learned counsel for the petitioner submits that the temple is a private one and the entry thereto is restricted. He submits that the first respondent has no jurisdiction to entertain the R.P., having regard to the nature of the temple.

Learned Government Pleader for Endowments and learned counsel for the third respondent, who took notices at the stage of admission, on the other hand, submit that the temple was registered under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the revision is certainly maintainable. They also contend that the question of maintainability can be raised at the hearing of the revision and the proceedings cannot be scuttled at this stage.

The petitioner challenges the very maintainability of the R.P. in relation to the temple referred to above. The R.P. is at the initial stage. The maintainability of the same can certainly be raised before the first respondent. The petitioner is impleaded as the second respondent in the R.P. If the petitioner is able to

persuade the first respondent with reference to the relevant provisions and facts that the revision is not maintainable, he can certainly be granted the necessary relief. This Court does not find it appropriate to interfere at this stage.

Further, the purport of the order passed in the I.A. is only to enable the third respondent and other associates to perform pujas and bhajans. It cannot be said that on account of performance of pujas and bhajans, the right of the petitioner is, in any way, jeopardized. To remove the doubts, it is made clear that the third respondent shall not be entitled to interfere with the management under the guise of the orders passed in the I.A. The first respondent shall expedite the disposal of the R.P.

With the above observations, the writ petition is disposed of. No order as to costs.

26.11.2004

Note:

Issue CC by 29.11.2004

(BO)

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To

1 The Regional Joint Commissioner of Endowments Multi Zone-III,

Hyderabad.

2 The Assistant Commissioner of Endowments Hyderabad, Talak Road,

Abids,Boggulakunta, Hyderabad.

3 Two CCs. to the Govt. Pleader for Endowments, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies.